

Message Text

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ACTION ARA-14

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TAGS: PBOR, PINT, PN
SUBJECT: INDEPENDENT LAWYERS REJECT SENATE AMENDMENTS

REF: PANAMA 1991

SUMMARY: THE MOVEMENT OF INDEPENDENT LAWYERS HAS ISSUED A STRONGLY WORDED STATEMENT CALLING FOR REJECTION OF SENATE AMENDMENTS AND RESERVATIONS TO THE NEUTRALITY TREATY, ZEROING IN ON THE DECONCINI RESERVATION AS A "THREAT" TO PANAMANIAN NATIONALISM AND A "REPROACHABLE, BAREFACED" ATTEMPT TO OBTAIN PANAMA'S AUTHORIZATION FOR U.S. INTERVENTION IN ITS INTERNAL AFFAIRS. END SUMMARY

1. ON MARCH 23, THE ANTI-TREATY MOVEMENT OF INDEPENDENT LAWYERS (MAI) ISSUED A STRONGLY WORDED STATEMENT AGAINST THE NEUTRALITY TREATY AS APPROVED BY THE SENATE. THE LEADERSHIP AMENDMENTS INCORPORATING THE OCTOBER 14 CARTER-TORRIJOS STATEMENT OF UNDERSTANDING, ALTHOUGH SEEN AS CHANGES IN THE TREATY IN A FORMAL SENSE, ARE DISMISSED AS A "REITERATION" OF THE "PREJUDICIAL CONCESSIONS" ALREADY IN THE TREATY, WHICH THE MAI HAS OPPOSED ALL ALONG.

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2. THE NUNN RESERVATION, WHICH STIPULATES THE POSSIBILITY OF FUTURE NEGOTIATIONS FOR A U.S. MILITARY PRESENCE IN PANAMA AFTER THE YEAR 2000, IS CRITICIZED FOR CONTRADICTING ONE OF THE PROMINENT FEATURES OF THE TREATY, THAT OF THE DISMANTLING OF U.S. BASES. MORE SERIOUSLY, THE MAI ARGUES, FUTURE U.S.-PANAMANIAN

AGREEMENTS FOR A U.S. MILITARY PRESENCE WOULD ELIMINATE THE INTENDED NEUTRALITY OF THE CANAL. THIS WOULD MEAN THAT NO OTHER COUNTRY IN THE HEMISPHERE WOULD BE WILLING TO ASSOCIATE ITSELF WITH THE REGIME OF NEUTRALITY BY ADHERING TO THE PROTOCOL TO THE NEUTRALITY TREATY.

3. THE DECONCINI CONDITION COMES IN FOR THE STRONGEST ATTACK AS A "THREAT" TO PANAMANIAN NATIONALISM AND A "REPROACHABLE, BAREFACED" ATTEMPT TO OBTAIN PANAMA'S AUTHORIZATION FOR U.S. INTERVENTION IN ITS INTERNAL AFFAIRS. QUOTING AT LENGTH DECONCINI'S OWN INTERPRETATION OF THE RESERVATION, THE MAI ANALYSIS CONCLUDES THAT, HAD THE RESERVATION BEEN PROPOSED BY THE U.S. AT THE NEGOTIATING TABLE, IT WOULD HAVE BEEN PEREMPTORILY REJECTED AS CONTEMPTIBLE. IN SUMMARY, THE MAI ASSERTS THAT, BECAUSE OF THE AMENDMENTS AND RESERVATIONS ADDED BY THE SENATE, THE SENATE HAS NOT REALLY APPROVED THE CARTER-TORRIJOS TREATY. RATHER, IT HAS, IN EFFECT, REJECTED IT AND MADE AN OFFER OF AN ALTOGETHER NEW TREATY. UNEQUIVOCAL REJECTION OF THE RESERVATIONS, THE MAI ARGUES, IS THE ONLY WAY FOR PANAMA TO SAFEGUARD ITS SOVEREIGNTY.

4. COMMENT: ALTHOUGH THE LAWYERS' STATEMENT DOES NOT ADDRESS THE QUESTION OF A SECOND PLEBISCITE ON THE LIMITED OFFICIAL USE

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TREATIES AS APPROVED BY THE SENATE, IT CAN BE SAFELY INFERRED THAT THEY WOULD OPPOSE THE TREATIES AS STRONGLY IN A SECOND PLEBISCITE AS THEY DID IN THE FIRST. THEIR ANTI-TREATY CAMPAIGN LAST SEPTEMBER AND OCTOBER HIT A RESPONSIVE NOTE, AND AS THE PLEBISCITE PERIOD DREW TO A CLOSE, THEY APPEARED TO BE GAINING SUPPORT. IF ANOTHER PLEBISCITE IS HELD TO VOTE ON TREATIES SUBSTANTIVELY ALTERED BY SENATE ACTION, THE ANTI-TREATY FORCES WILL PROBABLY BE PLAYING WITH A VERY STRONG HAND AND MAY WELL CARRY THE DAY. EVEN WITHOUT A PLEBISCITE, IF THE GOP DECIDES TO ACCEPT THE SENATE CHANGES IN SOME MANNER, SUCH ANTI-TREATY TYPES AS THE MAI COULD MAKE IT VERY DIFFICULT FOR TORRIJOS TO CONVINCE THE PEOPLE THAT HE HAS NOT COMMITTED AN OFFENSE AGAINST PANAMA'S SOVEREIGNTY.

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